

## **MINUTES**

### **PLANNING BOARD**

#### **TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**

##### **Regular Meeting**

May 7, 2014

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder in the Public Meeting Room.

Mr. Einbinder confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

##### **Roll Call:**

Members present were Mr. Einbinder, Mr. Johnson, Mr. Bruno, Mr. Monaco, Mr. Graziano, Mr. Beal, Mr. Hall, Mr. Bocchino and Ms. Perna. Mr. Niceforo and Mr. Cunningham were absent. Mr. Willard, Board Attorney, and Dave Atkinson of Neglia Engineering were also present.

##### **Adoption of Minutes:**

April 09, 2014 Special Meeting

April 16, 2014 Regular Meeting

A motion was made by Mr. Einbinder, seconded by Mr. Bruno, to adopt the Minutes of the Special Meeting of April 9, 2014 as presented. The voice vote was 7-0-1 (Abstain-Ms. Perna).

A motion was made by Mr. Einbinder, seconded by Mr. Johnson, to adopt the Minutes of the Regular Meeting of April 16, 2014 as presented. The voice vote was 6-0-2 (Abstain-Mr. Bruno, Ms. Perna).

Mr. Hall arrived at the meeting.

##### **Applications for Review:**

##### **App.#SP-1-14: The Connell Company, 250 Connell Drive, Block 4301, part of Lot 1.011, 1.012 (OR-B Zone) and Block 4102, Lot 1 (OR-A Zone)**

The Connell Company is seeking amended preliminary and final major site plan approval and bulk variances to construct a 174-room hotel which includes various amenities, such

as a coffee bar, pub, conference and catering facilities, an outdoor patio area, and fitness facilities. The hotel is proposed for Block 4301, Lot 1.012. As currently proposed, all but 30 of the required parking spaces can now be accommodated on Block 4301, Lot 1.012, with the remaining 30 spaces to be located on the adjacent Block 4301, Lot 1.011. (In 2007 the Planning Board granted approval for a 230-bed hotel on Block 4301, Lot 1.012. In 2009 the Board granted approval for amended preliminary and final site plan approval for a 244-room hotel.)

Douglas Janecek, attorney for the applicant, stated that the application is for preliminary and final site plan approval and some de minimis sign variances. The signage variances are for two building signs that exceed the area that the ordinance permits and for a pylon sign for the Embassy Suites hotel. The Board previously approved an application for a Westin Hotel by the Paramount Group in April 2007. At the previous application hearing there was testimony presented on behalf of Weldon Quarry. Mr. Janecek presented Exhibit W-1 – transcript of comments made by Bill Butler on behalf of Weldon Quarry at the previous application.

Mr. Einbinder noted that the presentation by Mr. Butler will be accepted into the record.

Mr. Janecek further stated that the proposed Westin Hotel was not built and in 2009 there was an application to increase the number of rooms. The present proposal is for an Embassy Suites and it is anticipated that if the Board approves the application construction will get underway by the end of summer. The proposed hotel will be smaller with fewer rooms, will be lower in height and will result in less impervious coverage. The application includes a restaurant, a ballroom for weddings, etc. and a Starbucks.

Joe Venezia, site engineer and planner, was sworn and accepted as an expert witness. Mr. Venezia presented Exhibit A-1 general site plan of the Connell buildings. The proposed hotel in the previous application had 244 rooms and that has been reduced to 174. The hotel will include conference facilities, an outdoor patio area at the rear of the property and a pool and fitness area. Mr. Venezia presented Exhibit A-2 - colorized rendering of the landscaping plan also showing the parking areas and the building area which is located in the ORB District. The prior application for a Westin Hotel was for 9 stories and this one is now 8 stories. The building height has been reduced from 97' to 90.52' and 100' is the maximum height permitted. The required parking has been reduced from 450 to 291 including 30 shared parking spaces on the adjacent site. The shared parking agreement was requested by the Board Engineer and the applicant will supply that. Mr. Venezia indicated the proposed site circulation, the circular main entrance area and the access to the loading area for deliveries. He stated that the site will be pedestrian friendly and will meet all ADA requirements. The coffee shop and restaurant will be for use by other tenants in the complex as well as hotel guests.

Mr. Venezia further stated that the impervious coverage has been reduced from 62.2% for the previously approved hotel and is now at 61.66%, which is below the ordinance requirements. The storm water management is the same as previously approved and meets all state requirements. The offsite detention basin was expanded in 2012 and it has been confirmed to have adequate volume. All permits have been obtained and will be confirmed to be valid or updated. Power, telephone and cable will be connected through the 500 Connell site as previously proposed. The applicant will fully comply with the ordinance requirements for tree removal and replacement as well as landscaping. The project will include outdoor seating areas for Starbucks, the restaurant and the outdoor wedding reception area. The 2007 traffic impact study has been reviewed and it was determined that the findings in that report are still accurate and valid and the roadway area will function efficiently and safely. Comment letters were received from the Board Engineer, the Environmental Commission and the Fire Department and the applicant will comply with the recommendations in those reports.

With regard to signage, Mr. Venezia stated that the proposed building-mounted signs will be 179 square feet and 246 square feet where 170 square feet is permitted. A variance is needed for height for the proposed pylon sign. The ordinance allows 8' and the height of the proposed sign is 20' with a 70' elevation. A variance is requested for total size of signage at 1105 square feet where 870 is permitted. The proposed signage is in keeping with the scale of the building. The elevation of the pylon sign may need to be increased to provide visibility from Route 78.

Discussion took place regarding the proposed location for the pylon sign. Mr. Janecek stated that a 100' tall sign was proposed in the previous application but it was withdrawn. Mr. Venezia stated the opinion that the proposed location provides visibility with the least amount of disruption. The sign will include the words Embassy Suites with their logo. There will be no flashing lights and the sign will provide a safe and efficient identification for travelers. The location is very important because the site is isolated and the only neighbor is the applicant. There will not be an adverse impact to any other property or to the town plan. Visibility will only be from the highway and will not impact residential users.

Board members expressed concern that allowing the pylon sign would set a precedent for other people to want something similar. It was also noted that a sign would need to be visible on Route 78 for travelers coming from Newark so that they do not pass the exit. It was suggested that the applicant look into getting a permit from the DOT for highway signage indicating the location of lodging, food, etc.

Mr. Janecek stated that according to case law if the Board permits something it is specific to that property and granting a variance does not change the ordinance. The applicant has looked into the possibility of highway signage and there is no guarantee that they would

get approval from the DOT. Therefore, the applicant feels it is important to have the pylon.

Mr. Venezia presented Exhibit A-3 - architectural rendering of the hotel and indicated the proposed location of the pylon sign about 300' from the highway. He also presented Exhibit A-7 – a colorized cross section showing the hotel in the middle of the site and the proposed grade and location of the pylon sign.

In response to questions from the Board, Mr. Venezia stated that the sign will not be visible to people on Twin Falls Road. It will be about 3600' away and there is existing vegetation and trees adjacent to Route 78 that block the view. He indicated the location of the sign in relation to Exits 41 and 43 on Route 78.

Further discussion took place with regard to the pylon sign, its visibility and whether or not it is necessary. It was noted that most people using the hotel should already know where it is and it was suggested that something with architectural character would be more palatable.

Mr. Janecek stated that there are studies that show that signage is an important element for the success of the hotel and the applicant believes it is important. However, they do not want to hold up the rest of the application so will withdraw the application for the pylon sign at this time and go further with the rest of the application. The applicant would like to preserve its ability to come back to the Board in the future regarding the pylon sign.

Mr. Willard advised that the applicant can bring another application in the future just for the sign.

### **Open to the Public**

The hearing was opened to the public for questions with regard to Mr. Venezia's testimony. There were no questions from the public and the hearing was closed to the public.

Clarence Vinson, architect, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Vinson presented Exhibit A-3 – southwest elevation. Mr. Vinson discussed the materials to be used for the exterior of the building and indicated the location of the restaurant, the hotel main entrance and Starbucks. He also presented Exhibit A-4 - zoom in close up of the outdoor dining and parking area, Exhibit A-5 - view from the south zooming in on the main entrance and outdoor patio space for Starbucks, and Exhibit A-6 - highway side where the conference center is located and the ballroom with outdoor area for functions. In response to a question from the Board, Mr. Vinson stated that the suites will have small kitchens.

**Open to the Public**

The hearing was opened to the public for questions with regard to Mr. Vinson's testimony. There were no questions from the public and the hearing was closed to the public.

In response to questions from the Board, Mr. Janecek advised that Starbucks has contractually agreed to this location and the restaurant will be operated by the operators of the hotel.

Phil Miller, representative of Davidson Hotels & Resorts, was sworn and stated that they have been hired to run and manage the hotel. They are a management company with 45 hotels throughout the country and 4,000 employees. He stated that the kitchens are very limited, with just refrigerator and microwaves. The hotel will be a three meal a day facility with a complimentary breakfast and a two meal restaurant. The average guest will be a business traveler. The restaurant will have a liquor license and the hotel will have a 5,000 square foot ballroom that can accommodate 200-500 people. They anticipate having wedding receptions and other events. Embassy Suites is part of the Hilton family.

In response to questions, Mr. Miller stated that his company has identified 12 key clients for whom Embassy Suites will be the hotel of choice, they are currently working on concept menus for the restaurant but have not yet decided on anything specific, all deliveries to the hotel will be at the loading zone and will occur between 9 am and 1 pm, internal security will be provided, and since most guests will arrive at night the signage is important for getting them off the highway.

With regard to any relationships with car rental companies, it was noted that it would be a non-permitted use for which the applicant would have to return to the Board for appropriate approval.

**Open to the Public**

The hearing was opened to the public for questions with regard to Mr. Miller's testimony. There were no questions from the public and the hearing was closed to the public.

Mr. Janecek stated that the applicant is asking for preliminary and final site plan approval with variances for the building-mounted signs. The request for variance for the pylon sign is being withdrawn but the applicant reserves its right to come back with an application for that sign in the future.

Mr. Atkinson advised that all the issues raised in the Neglia report have been addressed.

Board Comments

Mr. Graziano said he is in favor of the application and is sorry that the applicant would have to come back about the signage issue.

Mr. Bruno said the hotel is much needed and much awaited and he is confident that it will be a quality product. The hotel will be a signature piece that will bring people to the community and will enhance the Connell Park.

Mr. Hall said he thinks the community will welcome the hotel, there will be high demand and it will be great success.

Mr. Monaco said he is in favor of the application.

Mr. Johnson said the hotel will be a good addition to the town.

Mr. Einbinder seconded the comments of the other Board members and wished the applicant the best of luck.

Mr. Willard noted that the applicant is seeking amended preliminary and final approval to construct the hotel consisting of 8 stories and related improvements. There are variances requested for the building-mounted signs but the applicant has withdrawn its request for a variance for a pylon sign. The applicant has also requested a waiver of the buffer requirements.

A motion was made by Ms. Perna, seconded by Mr. Bruno, to approve App. #SP-1-14: The Connell Company, 250 Connell Drive, Block 4301, part of Lot 1.011, 1.012 (OR-B Zone) and Block 4102, Lot 1 (OR-A Zone) for amended preliminary and final approval, including variances for building-mounted signs, subject to standard conditions and those specified on the record.

The Motion was carried 9-0 with Mr. Einbinder, Mr. Johnson, Mr. Bruno, Mr. Monaco, Mr. Graziano, Mr. Beal, Mr. Hall, Mr. Bocchino and Ms. Perna voting in favor. There were none opposed.

**Adjournment:**

A motion was made by Mr. Einbinder, seconded by Mr. Bruno, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at p.m.

Regina Giardina, Secretary Pro-Tem